

## **REMARKS**

This amendment is in response to the Office Action of August 3, 20055 in which the Examiner rejected certain claims as allegedly anticipated by Lewis et al. The Examiner indicated that claims 5, 6, 15-17 and 22-25 would be allowable if written in independent form.

New claims 42-46 correspond to allowable claims 5,6,15-17 and 22-25 written in independent form.

The Examiner's rejection of the claims is respectively traversed for the reasons set forth below.

Applicant believes that the reference does not anticipate the claims. The Examiner states that the Lewis correlates raw transducer data in a system of sensors, including communicating transducer data in a common format (measuring response from sensors). Applicant believes that the Examiner's conclusion does not follow from Lewis. The reference simply measures values, it does not correlate them as in the invention.

The invention employs a Transducer Markup Language (TML) in order to addresses issues not considered by Lewis or any of the cited references. Lewis et al. deals with data collection and how it can be done to permit better analysis, specifically with multiple sensor configurations and multiple apertures for sensor data collection.

The Transducer Markup Language (TML) of the invention does not deal with the actual sensors and how they are configured or operated to obtain data to support better analysis. TML of the invention deals with the actual *capturing, characterization, transport and presentation* of data from transducers, of which sensors are a subset. In other words, Lewis collects and analyzes data, whereas the invention employs TML following the actual data collection and before the data analysis. The cited references, particularly Lewis et al. address the general issues associated with sensor characterization, capture and preservation of raw sensor data, the format of that data, transport of the data or presentation of the data to any type of system for data analysis.

Specifically referring to Claim 1, TML actually makes possible the accurate analysis of data required by Lewis et al, and the other cited patent, by capturing all relevant information about the sensors and their configurations, the time information relating to data capture, the nature of the data and phenomena being measured by the sensors, and the transport of the data and preservation of the original raw data. All of these are needed, but not provided by the cited references. Indeed, the specific correlation of a system of transducers, communication transducer data, defining interdependencies among transducers and time correlating the data from the various transducers is not specifically addressed by Lewis et al except in passing ("the system can include a communications port coupled to the computer for communicating the digital representation of the analyte to a remote location for analysis.", column 4, lines 48-50). This is only a general statement of a desirable end, but without any suggestion as to how such end may be achieved. In addition, there is no suggestion as to what form such communication would take.

The other reference, namely Massen does not address the issue of data capture, data transmission or data preservation in his patent at all and only says "...according to a binary coding which results in a time-compressed signal upon correlative reception." (column 8, lines 33-35). This too is not suggestive of the TML solution of the invention.

Regarding Claim 2, Lewis et al does not discuss communicating transducer data, but only addresses the actual data and how to analyze the data. No mention is made of the mechanism by which the sensor data is communicated, nor does it discuss the format of the data.

Regarding claim 3, Lewis et al only say that "The method can include generating a digital representation of the analyte based at least in part on the responses of the first and second sensors. The method can include communicating the digital representation of the analyte to a remote location for analysis."(column 3, lines 43-46). Again, this does not address the actual collection of data, its format, its transmission or the format of the data, which TML specifically does.

Regarding claim 4, the collection of one or more physical parameters (column 3, line 44), Lewis et al do not address the actual format of the data, using a common format or any technique of formatting the data for transmission nor to facilitate common processing of that data upon transmission and receipt.

Regarding claim 7, Lewis et al do not address the logical grouping of the sensor data, which is the definition of a TML data cluster. The cited patents focus on the actual physical sensors producing the data, not on how it is captured, stored, transmitted or received.

Regarding claim 8, Lewis et al discuss the collection of data and the fact there are time tags, but not on how it is captured, stored, transmitted or received.

Regarding claim 9, Lewis et al do not discuss the use of the time tag, nor its correlation to other time tags within a system, nor its accuracy.

Regarding claim 10, Lewis et al do not address the format of the data, they only say that the data would be transmitted in some way.

Regarding claim 11, Lewis et al do not address the fidelity of the data, its preservation or its transport. They only say that data could be communicated from one computer to another.

Regarding claim 12, Lewis et al do not address the format of the data, they only say that the data would be transmitted in some way.

Regarding claim 13, Lewis et al do not address the format of the data, they only say that the data would be transmitted in some way.

Regarding claim 14, Lewis et al do not address the format of the data, nor how any of the relations between multiple sensor outputs would be captured. Lewis et al address the sensor configurations which would result in data from multiple sensors, but do not address the format of the data nor how that format would capture and preserve system configuration and relations.

Regarding claim 18, Lewis et al only address the fact that based on a spatio-temporal difference between the *responses* of two sensors, analysis can be done. They do not address how the time varying properties of either transducer would be modeled, captured, characterized, transmitted or analyzed.

Regarding claim 19, Lewis et al do not address the specification of transducer relationships or dependencies, they only say that there may be a spatio-temporal difference between the *responses* from the sensors. They do not address how those responses would be captured, characterized, transmitted or analyzed.

Regarding claim 20, Lewis et al discuss multiple sensors, but do not address how those sensor responses would be captured, characterized, transmitted or analyzed. They only discuss the fact that there could be multiple sensors in a system, and discuss the production of data, not its capture, characterization, transmission or analysis.

Regarding claim 21, Lewis et al do not address calculating specific time tags, only that there will be "time information indicating the dependence of sensor response on time." Lewis et al do not address the format of the data, nor its capture, characterization, transmission or analysis.

Regarding claim 26, Lewis et al do not address the format of the data, nor its capture, characterization, transmission or analysis. Both cited patents discuss the production of sensor data, not how that data is captured, characterized, transmitted or analyzed. TML specifically addresses those issues, as well as enabling the storage data for later context-sensitive retrieval.

Regarding claim 37, Lewis et al do not address the capture, characterization, transmission or display of data, only that it would exist.

It is therefore clear that the references cited by the Examiner, and particularly Lewis et al., do not disclose or suggest the invention which employs TML in order to correlate transducer data by characterizing the data in a common format, characterizing the data and relationships

between transducers in a common format, defining the interdependencies for modeling a system and time correlating the data. The prior art does not affect the correlation of data in a common way which organizes the data so that it may be analyzed in real time.


In view of the foregoing, it is respectfully requested that the Examiner reconsider his rejection of the claims, the allowance of which is earnestly solicited.

If additional fees are required, the Director is authorized to charge Deposit Account 04-2223 or credit any overpayment t thereto.

Respectfully submitted,

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By:



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